

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CUMIS Specialty Insurance Company,

Plaintiff,

v.

Case No. 1:21-cv-11107-DLC

Alan Kaufman,

Defendant.

Alan Kaufman,

Counter-claimant,

v.

CUMIS Specialty Insurance Company,

Counter-defendant.

~~PROPOSED~~ FINAL JUDGMENT

Pursuant to, and in accordance with, the Court's Order granting Plaintiff's Motion for Judgment on the Pleadings dated September 28, 2022 (Dkt. 36), Local Civil Rules 54.1 and 77.1, and Rules 54, 56, and 58 of the Federal Rules of Civil Procedure,

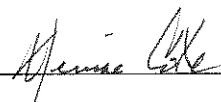
IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Final judgment is entered in favor of Plaintiff, and against Defendant Alan Kaufman, on Count I of Plaintiff's complaint seeking a declaration that CUMIS has and had no obligation to pay Mr. Kaufman's legal fees or costs incurred in the Underlying Action (including any appeal therefrom) following his conviction and sentencing because a final adjudication established he committed an excluded Dishonest or Willful Act;
2. Final judgment is entered in favor of Plaintiff, and against Defendant Alan Kaufman, on Count II of Plaintiff's complaint seeking a declaration that CUMIS has and had

no obligation to pay Mr. Kaufman's legal fees or costs incurred in the Underlying Action (including any appeal therefrom) following his conviction and sentencing because a final adjudication has established he received improper Remuneration;

3. Plaintiff shall recover from Kaufman a money judgment in the amount of \$325,396.90, plus prejudgment interest at 9% accruing from September 29, 2021 to the date of this Final Judgment (\$31,532.30), which, as of October 27, 2022, totals \$356,929.20;
4. Plaintiff shall also recover from Kaufman taxable costs and post-judgment interest until the date this judgment is fully satisfied pursuant to 28 U.S.C. § 1961;
5. Kaufman shall take nothing by his counterclaim, which is dismissed with prejudice; and
6. There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment, forthwith and without further delay.

SO ORDERED.



Hon. Denise L. Cote, U.S.D.J.

Dated: Oct 28, 2022